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HB5081

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2014**

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pat/gbr
HOUSE OF REPRESENTATIVES

394
April 25, 2014

Total number voting	130
Necessary for passage	66
Those voting Yea	130
Those voting Nay	0
Those absent and not voting	20

SPEAKER SHARKEY:

The bill as amended passes.

Will the Clerk please call Calendar 332.

THE CLERK:

On Page 22, Calendar 332, Favorable Report of the Joint Standing Committee on Finance, Revenue and Bonding, House Bill 5081 AN ACT CONCERNING PHOSPHOROUS REDUCTION REIMBURSEMENTS TO MUNICIPALITIES.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker. Mr. Speaker, I move for acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER SHARKEY:

The question is on acceptance of the Joint Committee's Favorable Report and passage of the bill.

Will you remark, madam?

REP. GENTILE (104th):

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Thank you. Yes, Mr. Speaker. Mr. Speaker, this bill deals with the reimbursement costs that are associated with updating water pollution control facilities, which is in direct response to a new phosphorous effluent discharge levels that have been imposed by DEEP and the EPA.

The bill also makes an amendment, I'm sorry, a slight amendment to previous legislation, which increased the amount of reimbursement that municipalities are eligible for.

Mr. Speaker, I move passage of the bill.

SPEAKER SHARKEY:

Thank you, madam. Would you care to remark further on the bill before us? Representative Phil Donohue of the 135th.

REP. SHABAN (135th):

Why thank you, Mr. Speaker. I rise in support. I can do it from over here if you want. I rise in support of this bill. It rises the ability for more towns that need the assistance for phosphorous reduction to get it.

It's the kind of thing that when the state does it, it does in fact, to use one of our Representative's words, the state can't snap its

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fingers and expect all the municipalities to be able to fund these things, so I rise in support of the increased funding and a little more latitude to do it.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, Representative Donohue. Do you care to remark? For the record, that was Representative Shaban. Would you care to remark? Would you care to remark further on the bill that's before us?

If not, staff and guests to the Well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll.

The House of Representatives is voting by Roll.

Will members please report to the Chamber immediately.

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted? Members please check the board to make sure your vote is properly cast.

If all the members have voted, the machine will be locked and the Clerk will take a tally. Will the Clerk please announce the tally.

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April 25, 2014

THE CLERK:

House Bill 5081.

Total number voting	130
Necessary for passage	66
Those voting Yea	130
Those voting Nay	0
Those absent and not voting	20

SPEAKER SHARKEY:

The bill passes.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Good evening, Mr. Speaker. Mr. Speaker, I move for suspension of our rules for immediate consideration of Senate Bill 494.

SPEAKER SHARKEY:

Motion is to suspend the rules for the immediate consideration of Senate Bill 494. Is there objection? Is there objection? The rules are suspended for the consideration of Senate Bill 494.

Will the Clerk please call Senate Bill 494.

THE CLERK:

Favorable Report of the Joint Standing Committee on Judiciary, Substitute Senate Bill 494 AN ACT CONCERNING GUARDIANS AD LITEM AND ATTORNEYS FOR MINOR

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way, the Connecticut Business and Industry Association, which -- which specially, in testimony, endorsed this bill.

So I wanted to avoid, as Senator Cassano did, any confusion on that subject.

So that -- that is the bill and, Madam President, if there's no objection, could this go on our Consent Calendar?

THE CHAIR:

Seeing no objection, so ordered, sir. Mr. Clerk.

THE CLERK:

On page 26, Calendar (inaudible) House Bill Number 5081, AN ACT CONCERNING PHOSPHOROUS REDUCTION REIMBURSEMENTS TO MUNICIPALITIES, Favorable Report of the Committee on Environment.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thank you, Madam President.

I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the House of Representatives.

THE CHAIR:

Motion is on acceptance and passage. Will you remark, sir?

SENATOR MEYER:

Yes. Briefly, colleagues, you know, when I think of this phosphorus bill, I think of our former colleague, Senator Andrew Roraback, who was such a fighter of -- of the contamination that phosphorus is given. And this bill moves us in a good direction in that regard.

We -- we created the right several years ago to allow three towns in -- in Connecticut to apply for grants from the Clean Water Fund to remove phosphorus from water basins in those towns.

This bill does one simple thing, it expands the eligibility to -- to all towns that enter into contracts by July 1, 2018. And you can imagine because of this bill and the benefit it will give to the -- more towns, the support that we heard at the public hearing.

We heard support from -- from Torrington, from the Council of Small Towns, from Waterbury, from Rivers Alliance, from Senator McLachlan, our colleague, from the town of Vernon, from the town of Wallingford, and so forth. Because phosphorus is a real -- real environmental pest and this is going to enable more of our towns to undertake projects to remove phosphorus.

So that is the bill and, colleagues, I, with enthusiasm, I urge its passage.

THE CHAIR:

Will you remark? Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

Madam President, I also rise to speak in support of the bill before us. As the good Senator said, phosphorus has kind of become the new nitrogen. We used to talk a lot about nitrogen and what it was doing to Long Island Sound. And phosphorous does similar things to our fresh waters before they enter Long Island Sound.

I know there have been municipalities -- I think Danbury is in there, Torrington is in there; a number that testified in support of the bill and that are impacted negatively under our existing laws. Passage of this bill would allow them an opportunity to address high levels of phosphorus in their water treatment control facilities.

It's a good bill that's before us and I encourage my colleagues to support it. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark? Will you remark?
Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President.

I stand in firm support of this bill. I thank the Environment Committee and all the people that have worked very hard on this bill to bring it forward.

There is still, I want to say, some concern about the science of phosphorus, and I'm hopeful that this bill has urged along the discussion to advance that science as it's being acknowledged by our state Department of Energy and Environmental Protection.

I say that because there is not uniform agreement on how to proceed and I think that this legislation and the numerous applications that are going to come forward as a result of this legislation will allow our state agency and scientists to come agreement on what's the correct way and the most efficient and, most importantly, the -- the most economically viable way, to address phosphorus remediation.

I understand that just in the city of Danbury, this could be as much a \$60 million investment. And so there are some other opinions that it can be done for far less money.

So I'm hopeful that that thought will encourage everyone to work even harder to find the right way to spend the precious dollars that will be used as a result of this legislation, but more important that we are being just as efficient as possible in using our precious tax dollars for this important cause.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

If not, Senator Meyer.

SENATOR MEYER:

Thank you, Madam President. Just briefly, as Senator McLachlan pointed out with respect to Danbury, this -- this funding from Bonding, and it's from Bonding, pays for one half of the cost of the particular phosphorus removal project. And Danbury actually, as he said, has got a cost of about \$60 million and has made an application for 50 percent of that, or \$30 million to the state for its very significant phosphorus removal plans.

So this is going in a good direction and it sounds like there's good support here in the circle. So Madam President, if there's no objection, I'm asking this go on the Consent Calendar.

THE CHAIR:

Seeing no objection, seeing no objection, so ordered, sir. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, as the -- the next two items to be called will be Calendar page seven, Calendar 327, House Bill 5099, and then Calendar page 18, Calendar 439, House Bill 5540.

Madam President, before returning to the markings at - - an item to refer to Committee, Calendar page 39, Calendar 286, Senate Bill Number 35, Madam President, would move that the bill as amended be referred to the Committee on the Judiciary.

THE CHAIR:

So ordered, sir.

On page five, Calendar 295, Senate Bill 445.

On page nine, Calendar 342, House Bill 5098.

And on page 10, Calendar 343, House Bill 5259.

On page 13, Calendar 404, Senate Bill 456.

Page 14, Calendar 408, Senate Bill 489.

On page 16, Calendar 430, House Bill 5285.

On page 18, Calendar 439, House Bill 5540.

On page 26, Calendar 497, House Bill 5081.

And on page 29, Calendar 511, House Bill 5146.

Page 30, Calendar 53, Senate Bill 203, and Calendar 95, Senate Bill 176.

On page 31, Calendar 116, Senate Bill 430.

Page 38, Calendar 280, Senate Bill 312.

And on page 41, Calendar 395, Senate 104.

THE CHAIR:

I guess that's all it. Okay.

Mr. Clerk, will you please open the machines and -- I'll open the machines. You call for a roll call vote.

THE CLERK:

Immediate roll call is ordered in the Senate on today's Consent Calendar. Immediate roll call ordered in the Senate.

THE CHAIR:

If all members have voted, if all members have voted, the machine will be closed.

Mr. Clerk, will you call the tally.

THE CLERK:

On today's Consent Calendar.
Total number voting 35
Those voting Yea 35
Those voting Nay 0
Absent and not voting 1

THE CHAIR:

The Consent Calendar passes. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, before concluding today's session, would yield the floor to members who may wish to announce Committee meetings or for other points of personal privilege.

THE CHAIR:

Are there points of personal privilege? Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

Madam President, while I enjoyed being at the circle today, I'd like to take this opportunity to wish my wife a very happy birthday today.

THE CHAIR:

Oh my goodness.

SENATOR FASANO:

I missed the birthday dinner, but it -- I can't think of another group to spend it with other than my wife. So happy birthday to my wife.

THE CHAIR:

**JOINT
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GARRY BRUMBACK: Good morning, ladies and gentlemen; thank you all, very much.

Thank you for the opportunity to submit comments in support of H.B. 5081, AN ACT CONCERNING PHOSPEROUS REDUCTION REIMBURSEMENTS TO MUNICIPALITIES.

And along with representing Southington, I have also been asked to represent the Connecticut Conference of Municipalities and its hundred-and-fifty-five member towns as well.

H.B. 5081 builds on the important work that the Legislature has done to assist municipalities in meeting mandated phosphorus reduction limits to achieve statewide environmental goals.

Currently, the state Department of Energy and Environmental Protection is in the process of implementing a Phosphorus Reduction Strategy for Inland Non-Tidal Waters, which will impact a number of towns and cities across Connecticut, requiring costly upgrades to wastewater treatment plants to comply with more stringent phosphorous reduction limits.

In some cases, this will require multi-million-dollar upgrades, examples of which are: Southington, at about 18-and-a-half million; Danbury, at 25-to-30 million; Wallingford, at 19 million; Meriden, at approximately 13-and-a-half million; and, Cheshire, at 7.2 million.

Unfortunately, these municipalities are burdened with addressing what is essentially a statewide problem resulting from excessive levels of phosphorus in certain water basins. Recognizing that these communities are bearing the brunt of achieving the statewide environmental goals, the Legislature adopted Public Act 13-239, which increases from 30 to

50 percent the amount municipalities are eligible for, to -- received under the Clean Water Fund grant program.

Unfortunately, this increased reimbursement is only available to the first three construction contracts entered into by municipalities before July 1, 2018. We feel this fairly -- unfairly penalizes municipalities who may still be awaiting permit renewals or facing other issues in moving forward with a construction contract for phosphorus removal by plant upgrades.

H.B. 5081 corrects this inequity, by making the remaining projects eligible for the increased reimbursement. This will assist these municipalities in achieving EPA and DEEP's standards without unfairly burdening residents in the affected municipalities.

We also recommend that this date be modified to July 1, 2021, to be consistent with those permits which require compliance by 2022. In addition, we would like to discuss the DEEP, with DEEP the language regarding the effluent discharge criteria and whether this should be modified as well.

We would also like to take this opportunity to update you regarding the stakeholder process, established under Public Act 12-155. This process has been helpful in moving forward with productive discussions with DEEP to develop a statewide phosphorus reduction plan, which will (1) reduce non-point source pollution, which may help alleviate the overall pressure on municipal water pollution control authorities; (2) utilize a science-based approach for addressing nutrient issues; and, (3) explore more flexible, cost-effective approaches to assist municipalities in achieving compliance with EPA standards.

Thank you, very much, ladies and gentlemen, for the opportunity to address you concerning H.B 5081.

SENATOR MEYER: Thank you, sir.

Are there any questions by committee members?

Representative Mushinsky.

REP. MUSHINSKY: Thank you, Mr. Chairman.

Hi.

GARRY BRUMBACK: Hi.

REP. MUSHINSKY: I am the author of the 50 percent phosphorus for the first three towns, and the reason we stopped at three was when you go beyond three, you start to impact the towns that are waiting in line on the, for the Clean Water Act, water treatment funds. So that was why we stopped at three.

I would be, it would be very wonderful to give 50 percent to all the towns who have applied for it, but it, just to let you know, it will affect the order at which towns are waiting in line for their clean water funds.

GARRY BRUMBACK: Yes, ma'am.

REP. MUSHINSKY: Thank you.

GARRY BRUMBACK: Thank you.

SENATOR MEYER: Thank you, Representative.

Anyone else?

Representative Miller, did you have a question?

I'm -- I'm sorry, we take one more public official witness and then we're going to be alternating with public witnesses.

And the next public official is Walter Gargarz [sic], Engineer of Cheshire, and he will be followed by Henry Talmage, and then Karl Wagener.

Afternoon.

WALTER J. GANCARZ: Honorable committee members, good day and thank you for allowing me to testify.

My name is Walter Gancarz; I'm the Town Engineer in the Town of Cheshire, was formerly on the Water Pollution Control Authority and have been in environmental consulting as a professional engineer for the past 37 years.

I'm here to speak in support of provisions in H.B. 5081, which increases the reimbursement for phosphorus reduction projects under the Clean Water Act.

H.B. 5081
A key element in this legislation is the provision to increase the grant for phosphorus removal projects from 30 percent to 50 percent. The Town of Cheshire is currently under construction of the upgrade to our wastewater treatment plant at an estimated cost of 32.15 million, the largest capital expenditure incurred in the town's history. Imbedded in this appropriation is an estimated 7.2 million to address the state's mandated phosphorus reduction strategy.

Five years ago, we were mandated by the state to reduce nitrogen, which we implemented at a cost of 7 million. Consequently, Cheshire will commit approximately \$4.2 million to meet two

environmental state mandates, which will impose a significant debt burden on our financial operation and force us to defer other critically important infrastructure capital projects.

While we understand the importance and benefit of these environmental initiatives, it does create an unfair financial burden on residents in the affected municipalities. In addition, there will be ongoing operation and maintenance costs to operate the nitrogen and phosphorus treatment systems, approaching 250,000 per year, a cost that is totally the town's responsibility.

A key item that we believe should be considered in Cheshire's case is that we were among the first communities to have accepted the phosphorus limit in our NPS permit, have actually begun construction of this treatment system to treat this wastewater component, and will, in fact, be removing phosphorus from our wastewater effluent, years before other communities reach this point. Yet under the current bill, it is unlikely that we'll be funded at the higher grant percentage of 50 percent, as it appears that that increased funding will be reserved for other communities that will take years more to comply.

This is a tough condition to accept, when you are a leader in the state in complying with the phosphorus mandate. This unfair financial burden has been significantly exasperated by the fact that Cheshire is the host community of the second-largest prison in the state, and 25-to-30 percent of the total effluent treated by our wastewater treatment plant is discharged by this prison.

The Department of Corrections, in spite of

their extensive reliance on our wastewater treatment facility, has refused to renegotiate our prison agreement to assist in the 32.15 million cost of the plant upgrade, yet they agreed to partner with other prison towns for similar wastewater treatment plant capital upgrades. Additionally, the Department of Corrections has refused to pay a user-back filling of one-and-a-half million dollars and be, incurred because their wastewater flow meter malfunctioned and many years of under upflows were underreported.

Finally, compounding this continuing financial burden, the state budget caps the PILOT /state property, which results in an approximate \$2 million loss to, a revenue loss to Cheshire for serving as a host to a state prison.

So, in summary, we are faced with a state-mandated phosphorus reduction plant costing 7.2 million, a refusal by the state Department of Corrections to share in the cost of that upgrade, a refusal by the Department of Corrections to pay the 1.5 million due in user-feedback fillings, and a loss of the prison PILOT payment of 2 million.

Consequently, we are facing a confluence of significantly damaging and costly financial burdens under our wastewater treatment plant, so I'd strongly urge your committee to consider some modicum of financial relief by funding the phosphorus proportion -- portion of the Clean Water Fund at 50 percent.

Thank you for allowing me to testify before you. Thanks.

SENATOR MEYER: Thank you, sir.

Any questions of this witness?

Appreciate it; you're succinct. Something you want to add?

WALTER J. GANCARZ: I did have testimony on Bill 5082. I know you're pressed --

SENATOR MEYER: Just very --

WALTER J. GANCARZ: -- for time.

SENATOR MEYER: Very quickly.

WALTER J. GANCARZ: Okay.

SENATOR MEYER: Summarize, if you would.

WALTER J. GANCARZ: Okay. Basically, this is AN ACT CONCERNING WASTEWATER TREATMENT PLANT DESIGN FLOW and when it, whether it should be a six-month rolling average of a twelve-month rolling average. Our strong belief is that it should be the twelve-month, the reasons being all communities have higher flows during wet-weather periods due to infiltration and inflow, typically March to May, and I suspect this year will be a banner year for that.

Consequently, your six-month average could go above the 90 percent of your permitted capacity. And that -- but for the year, we're probably more at like 60 or 65 percent. So rather than trigger it to going into the facility's plan at that point, we think the twelve-month average is -- is a better way to do it, especially since treatment plants are typically designed to treat a maximum flow approximately twice of their -- their average daily flow, so they can accommodate it in the meantime.

SENATOR MEYER: Okay; thank you. That was succinct.

Randy Collins, followed by Holly Johnson.

RANDY COLLINS: Representative Gentile, Senator Meyer, my name is Randy Collins; I'm appearing today on behalf of Connecticut Conference of Municipality and our hundred-and-fifty-five member towns. I'm testifying today on four bills. I will be brief because I have submitted by testimony electronically.

The first one is Senate Bill 72, AN ACT CONCERNING RUNNING BAMBOO. CCM requests that the committee amend the language. Basically, CCM is asking that municipalities, the language that enables municipalities to enforce the ban on bamboo be taken out. We consider that, any kind of enforcement of a state law, issuance of the state fine should fall within the jurisdiction of the DEEP.

The second bill that I wish to -- to comment on is House Bill 5081, AN ACT CONCERNING PHOSPHORUS REDUCTION REIMBURSEMENTS TO MUNICIPALITIES. CCM is strongly in support of this. You heard, earlier today, Garry Brumback, Town Manager of Southington speak on behalf of this bill, his work on behalf of the working group and as the town manager of Southington.

Currently, municipalities are working with DEEP to implement this Phosphorus Reduction Strategy. It is expensive; some of the towns, Danbury, 25 million, Wallingford, 19 million, just to name a few that, the expenses that they're going to have to put into their wastewater treatment plants. Any financial assistance that can be provided to these towns would be greatly appreciated.

I wanted to talk on, quickly on Senate Bill 68,

HB 5079

pesticides.

That concludes my verbal comments. I'm happy to take any kind of questions.

REP. GENTILE: Lou, thank you.

LOUIS W. BURCH: Thank you, for the opportunity.

REP. GENTILE: Okay; no questions. You're off the hook.

LOUIS W. BURCH: Thank you, so much.

REP. GENTILE: Dennis Waz.

DENNIS WAZ: Thank you, Madam Chair.

My name is Dennis Waz; I'm the Public Utilities Director for the City of Meriden. I come before you today to talk about House Bill 5081, AN ACT CONCERNING PHOSPHORUS REDUCTION REIMBURSEMENTS TO MUNICIPALITIES.

I'd like to comment in support of House Bill 5081, which increases the percentage of costs that may be eligible for reimbursement under the Clean Water Fund for phosphorus removal projects from 30 percent to 50 percent.

Although the City of Meriden is in the process of negotiating permit language with the state Department of Energy, Environmental Protection relative to phosphorus reduction, the city will have to invest an additional \$13 million to upgrade the water pollution control facility and add approximately \$600,000 to its annual operating budget. This places considerable burden on residents and businesses during very challenging economic times.

This is particularly troubling for our

residents because we may not be eligible for Clean Water Funds based on the point system used by DEEP, because we have already received funding for phosphorus reduction.

In 2008, when the City of Meriden was upgrading its wastewater treatment plant, we were advised to upgrade to the 0.7 milligram per liter phosphorus limit, which we did.

Unfortunately, after the upgrade was completed, Meriden staff, as well as representatives from other plants on the Quinnipiac and Naugatuck Rivers, were invited to the DEEP's office and advised that the EPA did not accept the state's program for phosphorus removal, and DEEP therefore developed a new interim strategy for phosphorus removal which lowered Meriden's limit from 0.7 to 0.1 milligrams per liter.

Given the enormous compliance costs associated with achieving phosphorus limits set by the state, we urge lawmakers to support House Bill 5081, which will -- would increase the reimbursement level for the phosphorus reduction projects from 30 percent to 50 percent and also ensure that cities like Meriden that have been subject to ongoing plant upgrades will be eligible for Clean Water Funds under the point system DEEP utilizes to award such grants.

I'd be happy to entertain any questions.

REP. GENTILE: Dennis, thank you.

Any questions?

Thank you, Dennis, and thank you for your patience.

Oh, I'm sorry; Representative Mushinsky.

REP. MUSHINSKY: Thank you for coming in. I worked on your, the bill that you speak of, the 50 percent reimbursement for the first three towns. And the reason we stopped at three was if all the towns that are doing phosphorus reduction are eligible, that now means that there will be some loser towns.

There's a fixed amount of money in the Clean Water Act bonding pot of money, and if we were to give, say, 12 towns or 15 towns 50 percent, then that's going to -- to toss off the list or push further down the list some other towns that are waiting for their money.

So I do support the bill, but I'm just advising you that the reason it was set at three was we did, we were trying not to disrupt other towns from the list. They are waiting for their money as well, maybe for nitrogen or some -- some other purpose, combined sewer overflow, whatever it is. So the net effect of this bill, if it were to pass, might be that there won't be enough money in the Clean Water Funds for all these towns that are waiting.

So if that happens, I hope all the towns that are in the same situation, trying to get their phosphorus money, will lobby Finance Committee to expand the fund so that no one has to lose when the phosphorus towns win.

DENNIS WAZ: Okay.

REP. MUSHINSKY: Okay?

DENNIS WAZ: Thank you.

REP. MUSHINSKY: So there was a reason for that number.

DENNIS WAZ: Oh.

REP. MUSHINSKY: Thank you.

REP. GENTILE: Thank you.

Dennis, thank you for your time.

David Day. David will be followed by Denis Cuevas.

DAVID M. DAY: Good afternoon. My name is David Day, and I'm the Public Utilities Superintendent for the City of Danbury.

I'm here to speak in support of H.B. 5081. I did submit testimony, and I'd like to review that testimony at this time.

The City of Danbury is one of several municipalities impacted by new wastewater treatment plant phosphorus effluent discharge limits imposed by Connecticut DEEP. One of the main issues of concern is burdening the sewer ratepayers with the expensive capital projects necessary to meet these new limits. Danbury has been working with other coalition towns with similar issues in an effort to understand the science behind DEEP mandating these stringent phosphorus removal limits and in establishing a fair time frame with DEEP to implement the wastewater treatment plant capital upgrades necessary to meet these limits.

In order to meet DEEP phosphorus removal limits of 0.1 milligrams per liter, to achieve 98 percent removal, \$30 million in extensive capital improvements to the Danbury Wastewater Treatment Plant would be necessary. These required extensive capital improvement costs affect not only Danbury, but also the Towns of

Bethel, Brookfield, Newtown, and Ridgefield, as Danbury accepts sewage generated and conveyed from these regional towns for treatment at our wastewater treatment plant.

Legislative support of H.B. 5081 is much needed, as it will lessen the burden of the associated capital costs on the Danbury and regional sewer ratepayers, help level the playing field for all municipalities competing for funds who have similar issues and needs, and help get the public support needed to approve the bond funding packages required to pay for this work.

Without increases in available grant funding, it will be very difficult to acquire the voter support necessary to approve the bond packages necessary for this work. It is for this reason that we believe it is fair and necessary to allow any municipality, and not just the first three municipalities that enter into construction contracts, to be eligible for 50 percent grant funding for 0.2 milligrams per liter or less phosphorus removal projects required to meet the permit limits imposed by Connecticut DEEP.

Given that the proposed new language of H.B. 4081 [sic] states that any contract and not just the first three contracts entered into by a municipality is eligible for 50 -- 50 percent grant funding, there is no need for the last sentence of Section 1, Subsection (c)(6), which as proposed states the following: "In providing funding under this subdivision, the commissioner shall give priority, first to projects with the lowest permitted limit of phosphorus discharge, as contained in a valid discharge permit issued pursuant to section 24a-430, and then to those that remove the greatest amount of phosphorus, as measured in

pounds per year."

Lastly, it is also very important to note that Danbury has not yet been issued a new, valid discharge permit with new phosphorus removal limits -- we're almost done here -- as negotiations continue with DEEP on issuance of this permit. Danbury's eligibility to receive grant funding for phosphorus removal projects should not be jeopardized based on the issuance date of our new discharge permit. Therefore, any reference to funding priority based on projects with a valid discharge permit should be deleted.

In closing, we urge lawmakers to support the provisions in Section 1 of H.B. 5081, along with the recommended language deletions stated in our testimony in order to more equitably fund phosphorus removal projects for all affected communities.

Thank you.

REP. GENTILE: Thank you, David.

Seeing no questions; you're off the hook.

Denis Cuevas.

DENIS CUEVAS: Good afternoon. Denis Cuevas; thanks for the opportunity to bring -- and in support of H.B. 5081.

The City of Waterbury Water Pollution Control appreciates the opportunity to testify before the Environmental Committee in support of House Bill 80 -- 5081, which proposes changes for the Clean Water Fund projects that are eligible to receive financing to undertake phosphorus removal to or at below two-tenths of milligrams per liter on the effluent discharge.

The state DEP issued the City of Waterbury's Water Pollution Control NPDES permit on November 2013, with a compliance schedule to begin meeting 0.7 milligrams per liter of phosphorous limit by April of 2014, and begin construction no later than April of -- April 1, 2018, to meet a 0.2 milligrams per liter of phosphorous limit.

In order meet the first limit, WPC operations and maintenance budget is set to increase \$750,000 annually. The second limit will require a capital investment of \$50 million, which would add to the department's debt and result in an increase to the sewer rates.

The city's water pollution control is the fourth-largest Waterbury water treatment facility in the state and the largest facility along the Naugatuck River. This facility serves Waterbury, Watertown, Wolcott, and parts of Naugatuck, Prospect, and Cheshire. As the largest wastewater facility on the Naugatuck, we provide treatment on, to an average of -- of an effluent of 21 million gallons a day.

The Water -- Water Pollution Control -- Control Department will be working with an engineering firm to determine the specific type of treatment technology that will best meet its needs in the terms, in terms of technical feasibility, effluent quality, capital, and operation costs. The capital investments would include treatment technologies and operation changes, reducing the phosphorous to 0.2 milligrams per liter, which will result in a 94 percent reduction of the total phosphorous effluent discharge.

The City of Waterbury has demonstrated a commitment to the environment and has

shouldered the burden in terms of cost of a, of building and improving the water pollution control facility.

The facility improvements related to phosphorous limits, while necessary to the health of the Naugatuck River, will create a financial burden on Waterbury and its ratepayers who are still paying the costs associated with the facility upgrades completed in 2002.

In light of the city's bonding needs, debt service, and annual budget commitments, the city must seek and rely upon the assistance of the Clean Water Fund to make additional improvement to its water pollution control facility.

The changes incorporated in the bill ensures the facilities in Connecticut with similar phosphorous reduction requirements the same level of funding to institute the necessary improvements.

Thank you for your time.

REP. GENTILE: Thank you, Denis.

Representative Belsito.

REP. BELSITO: Do you, do you know how much the average homeowner is going to have to pay or increase in the sewage costs because of this?

DENIS CUEVAS: We haven't made an assessment on the \$50 million improvement yet, since it's still three years away, but the immediate annual increase of 750,000, we believe it's going to increase about 5 percent of the rate.

REP. BELSITO: Is there going to be any effect on

businesses, either leaving the city or not coming to the city because of the high cost of the sewers that's -- that's going to take place with all the help from the state?

DENIS CUEVAS: We, with the changes proposed in this bill, I think the impacts to the sewer rates are going to be minimum, and it's going to be hopefully a less likely possibility that -- that the business will leave. But they've asked a concern that if we don't get the funding at 50-percent level, then -- then obviously the -- the ratepayers are going to, are going to get hit with this burden.

REP. BELSITO: So it -- it, would it be substantial to the businesses if -- if we don't give you the 50 percent?

DENIS CUEVAS: It could definitely be substantial, because they're bigger users of our sewer system. So we base our sewer rates on water consumption, so obviously with a -- a bigger industries, they're obviously going to be paying more on their sewer rates.

REP. BELSITO: So it would be helpful if they could expand the Clean Water Fund to cover everybody. I'm not sure they can cover it with 50 percent, but it seems pretty ridiculous to only cover three.

DENIS CUEVAS: Yes. And -- and what's happening obviously that the, that towns may be inclined to be, to speed up the projects to be part of three. And I think by allowing all the towns that are -- are required to meet the phosphorus, that everyone is in the same playing -- playing level field.

REP. BELSITO: All right. Thank you, very much.



ENVIRONMENT COMMITTEE

February 19, 2014

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 92% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

HB 5081 "An Act Concerning Phosphorous Reduction Reimbursements To Municipalities"

CCM supports HB 5081.

HB 5081 would provide needed financial assistance to municipalities in complying with mandated phosphorus reduction limits in order to achieve statewide environmental goals by offering eligibility for financial reimbursement for additional projects to reduce phosphorus.

Currently, municipalities are working with the Department of Energy and Environmental Protection to implement a "Phosphorus Reduction Strategy for Inland Non-Tidal Waters"; this strategy will impact towns and cities across Connecticut. Implementing this strategy will require significant upgrades and financial investments to municipal wastewater treatment plants in order to achieve the mandated reductions of phosphorous limits in wastewater discharge. Some these cost estimates are in the tens of millions of dollars; Danbury \$25 million; Wallingford \$19 million; Southington \$18 million; Meriden \$13.5 million; and Cheshire \$7.2 million.

In 2013, the General Assembly provided towns with a measure of relief with the passage of PA 13-239 which increased, from 30% to 50%, the amount municipalities are eligible to receive under the Clean Water Fund grant program. Unfortunately, the relief offered by the increased reimbursements was made available only to the first three construction contracts entered into by municipalities before July 1, 2018. This language would preclude assistance to municipalities that may not yet be ready to enter into contracts by the 2018 deadline.

HB 5081 addresses this concern and expands the number of projects that would be eligible for reimbursement. This bill would provide needed financial assistance to these municipalities in achieving EPA/DEEP's standards without unfairly burdening residents in the affected municipalities.

CCM asks the **committee to support HB 5081.**

★ ★ ★ ★ ★

If you have any questions, please contact Randy Collins, Senior Legislative Associate for CCM, at rcollins@ccm-ct.org or (860) 707-6446.

RIVERS ALLIANCE OF CONNECTICUT
7 West Street/ POB 1797/ Litchfield CT 06759
rivers@riversalliance.org/ 860-3619349

MW25



TO: Sen. Ed Meyer and Rep. Linda Gentile, Chairmen,
and Members of the Committee on the Environment

RE: Public Hearing on RB 5081

AN ACT CONCERNING PHOSPHOROUS REDUCTION REIMBURSEMENTS TO MUNICIPALITIES.

DATE: February 19, 2014

Rivers Alliance of Connecticut is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship.

Dear Sen. Meyer, Rep. Gentile, and Members of the Environment Committee:

Rivers Alliance writes in support of RB 5081 for its assistance to municipal wastewater utilities for phosphorus removal. There is wide recognition that the nutrient nitrogen in excess causes dead zones in LI Sound. The nutrient phosphorus is equally harmful in freshwater; and in the Sound's shoreline areas, phosphorus interacts with nitrogen to stimulate plant and algae growths.

Inland, you can observe the effects of phosphorus in ponds that are covered with a thick scum. In lakes, such as Lake Lillinonah, for example, excess phosphorus can stimulate the growth of toxic blue-green algae that make the water unsafe for swimming. The algae (actually a type of plant-like bacteria) can sicken or even kill a small creature such as a dog -- or a child.

Most towns are not challenging the desirability of removing more phosphorus from wastewater. But they explain that they cannot afford the most effective technologies. If so, they need assistance. We should be able to clean up after ourselves, and not send problems downstream.

Thanks for your attention.

Margaret Miner
Executive Director

A handwritten signature in black ink that reads "Margaret Miner". The signature is written in a cursive, flowing style.

Testimony
Garry Brumback
Town Manager, Town of Southington
Environment Committee
February 19, 2014

RE: SUPPORT - HB-5081 - AN ACT CONCERNING PHOSPHOROUS REDUCTION REIMBURSEMENTS TO MUNICIPALITIES.

Thank you for the opportunity to submit comments in support of HB-5081, An Act Concerning Phosphorus Reduction Reimbursements to Municipalities.

HB-5081 builds on the important work that the legislature has done to assist municipalities in meeting mandated phosphorus reduction limits to achieve statewide environmental goals.

Currently, the state Department of Energy & Environmental Protection (DEEP) is in the process of implementing a "Phosphorus Reduction Strategy for Inland Non-Tidal Waters" which will impact a number of towns and cities across Connecticut, requiring costly upgrades to wastewater treatment plants to comply with more stringent phosphorus reduction limits. In some cases, this will require multimillion dollar upgrades: Southington \$18.5 million; Danbury \$25- 30 million; Wallingford \$19 million; Meriden \$13.5 million; and Cheshire \$7.2 million.

Unfortunately, these municipalities are being burdened with addressing what is essentially a statewide problem resulting from excessive levels of phosphorus in certain water basins.

Recognizing that these communities are bearing the brunt of achieving statewide environmental goals, the legislature adopted Public Act 13-239, which increases from 30% to 50% the amount municipalities are eligible to receive under the Clean Water Fund grant program.

Unfortunately, this increased reimbursement is only available to the first three construction contracts entered into by municipalities before July 1, 2018. This unfairly penalizes municipalities who may still be awaiting permit renewals or facing other issues in moving forward with a construction contract for phosphorus reduction plant upgrades.

HB-5081 corrects this inequity by making the remaining projects eligible for the increased reimbursement. This will assist these municipalities in achieving EPA/DEEP's standards without unfairly burdening residents in the affected municipalities.

We also recommend that this date be modified to July 1, 2021 to be consistent with those permits which require compliance by 2022. In addition, we would like to discuss with DEEP the language regarding the effluent discharge criteria and whether this should be modified as well.

We would also like to take this opportunity to update you regarding the stakeholder process established under Public Act 12-155. This process has been helpful in moving forward with productive discussions with DEEP to develop a statewide phosphorus reduction plan that will 1) reduce non-point source pollution, which may help alleviate the overall pressure on municipal water pollution control authorities; 2) utilize a science-based approach for addressing nutrient issues; and 3) explore more flexible, cost-effective approaches to assist municipalities in achieving compliance with EPA standards.

Thank you for the opportunity to comment in support of HB-5081.



State of Connecticut
HOUSE OF REPRESENTATIVES
 STATE CAPITOL
 HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE MARY G. FRITZ
 NINETIETH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING
 ROOM 4013
 HARTFORD, CT 06106-1591
 HOME: (203) 269-1169
 CAPITOL: (860) 240-8571
 TOLL FREE: (800) 842-8267
 FAX: (860) 240-0206
 E-MAIL: Mary.Fritz@cga.ct.gov

ASSISTANT DEPUTY SPEAKER

MEMBER
 JUDICIARY COMMITTEE
 LEGISLATIVE MANAGEMENT COMMITTEE
 PLANNING AND DEVELOPMENT COMMITTEE

February 18, 2014

Senator Meyer, Representative Gentile, Honorable Members of the Environment Committee, it is an honor to present testimony to you.

There are two bills of which I am a co-sponsor and one which I support wholeheartedly. All three affect my constituents so I am looking for your support as well.

Let's begin – out of numerical order with HB 5086 – “An Act Concerning Certain Applications for Reimbursement from the Underground Storage Tank Petroleum Clean-Up Program.” This subject matter was heard and passed this Environment Committee last year.

As you may remember, it involves the second generation of a family whose fathers/uncles owned a gas station in Meriden which they leased to a gas company. There was a spill and that leasee cleaned up the spill. Much later to that clean-up a plume was discovered on the property next door. DEEP cleaned up that neighboring property and has been billing the woman who inherited the gas station property. They are from Meriden, Wallingford and North Haven.

Basically, what the proposal would do would allow all these sisters and cousins to make application to the fund. I urge your support

Secondly, I ask your support for HB 5082, “An Act Concerning Wastewater Treatment Plant Design Flow.” What happened was the Department of Environmental Protection decided to change the time for inspection of the treatment plant to determine if a plant has reached 90% or more of its design flow from 365 days to 186 days. This is a terrific expense for any community because it could mean on a half year basis you would have to re-tool the plant regardless of the weather or any other condition affecting the plant. To my mind, returning to the yearly inspection brings greater stability and savings for the tax payers. Please support this proposal.

HB5081

Thirdly – please support HB 5081 “An Act Concerning Phosphorous Reduction Reimbursements to Municipalities.” This was a major debate in 2012 because of the towns affected by the EPA standards on Phosphorous. Five of the towns are in the Quinnipiac River Basin.

However, Meriden got a by because they had just finished their water treatment plant. However, Wallingford and Cheshire, my towns, did not. Public Act 13-239 stated that the money to help the towns in phosphorous reduction would only be available to the first three construction projects.

Please be real! You cannot snap your fingers and expect a project of this magnitude be ready to roll. Common sense and good government would make the increase in funds to 50% be available to all towns reducing phosphorous. Please support this legislation. Existing legislation can hurt my towns now, will yours be next?

Thank you,
Mary G. Fritz
State Representative – 90th District
Assistant Deputy Speaker